

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LEROY DUFFIE,

Plaintiff,

vs.

CITY OF LINCOLN, A Municipal  
Corporation; NATHAN KAISER, JOHN  
DOES, TOBIAS HITE, SHANE JENSEN,

Defendants.

**4:13CV3169**

**MEMORANDUM AND ORDER**

IT IS ORDERED:

- 1) The parties' joint stipulation, (Filing No. 71), is approved.
- 2) The defendants' motion to strike plaintiff's jury demand, (Filing No. 51), is granted in part, and denied in part as follows:
  - a. Plaintiff's demand for jury trial shall be stricken as to all claims requesting equitable relief and a declaratory judgment.
  - b. Plaintiff's demand for jury trial shall be stricken as to all claims against the City of Lincoln or the police officers in the official capacities on the following claims: (1) violation of Title II of the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.) ("ADA"); (2) violation of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); (3) negligence; and (4) violations of the United States Constitution (42 U.S.C. § 1983), which include claims of (a) excessive force in violation of the Fourth Amendment, (b) search and seizure in violation of the Fourth Amendment (c) violation of equal protection under the Fourteenth Amendment for failure to train, and (d) violation of equal protection under the Fourteenth Amendment for disparate treatment.

- c. Plaintiff's jury demand is not stricken as to his claims against the police officers in their individual capacities.
- 3) The progression schedule is amended as follows:
  - a. The written discovery deadline is extended to October 1, 2014.
  - b. The deposition deadline is extended to October 1, 2014.
  - c. The deadline for filing motions for summary judgment and motions to dismiss is extended to November 1, 2014. However, the trial and pretrial conference may be continued on the court's own motion if a dispositive motion is filed after September 3, 2014.
- 4. The telephonic conference before the undersigned magistrate judge remains scheduled to be held on **September 16, 2014 at 11:30 a.m.** to discuss the status of case progression and potential settlement. Counsel for plaintiff shall place the call.

July 14, 2014.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge